

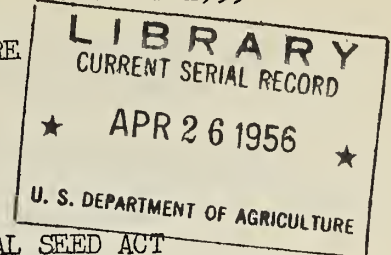
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UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Grain Division
Washington 25, D. C.

October 1955



PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(July 1, 1954, to June 30, 1955) (377-393)

377. False labeling of alfalfa seed. U. S. v. E. L. Rickard, operating the Custer Grain Company, Custer, Montana, and Merrit M. McCarty, employee of Cargill, Inc., Minneapolis, Minnesota. (FS 697)

Conspiracy to violate the Federal Seed Act. U. S. v. E. L. Rickard, Merrit M. McCarty, Raymond J. Higgin, Lawrence J. Kane, and Benjamin A. Medcalf, employees of Cargill, Inc., Minneapolis, Minnesota. (FS 697)

E. L. Rickard, operating the Custer Grain Company, Custer, Montana between November 14 and November 29, 1950, delivered for transportation in interstate commerce from Custer, Montana, to Minneapolis, Minnesota, a total of 1,184 bags of alfalfa seed.

Merrit M. McCarty, employee of Cargill, Inc., Minneapolis, Minnesota, between November 14 and December 15, 1950, delivered for transportation in interstate commerce from Custer, Montana, to Minneapolis, Minnesota, a total of 2,637 bags of alfalfa seed.

Labels attached to the bags represented the seed to be of Montana origin; whereas, the seed was not of Montana origin but was wholly or in part of California origin.

Information was filed in the District Court of the United States for the State of Minnesota alleging that E. L. Rickard and Merrit M. McCarty did unlawfully deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act. Information was also filed in the same court alleging that Merrit M. McCarty, Raymond J. Higgin, Lawrence J. Kane, and Benjamin A. Medcalf, employees of Cargill, Inc., Minneapolis, Minnesota, did conspire to violate the Federal Seed Act, as described above.

On May 24, 1954, E. L. Rickard and Merrit M. McCarty entered pleas of nolo contendere on four counts and nine counts, respectively, and also to the conspiracy charge, and on October 22, 1954, the Court imposed a fine of \$500 on E. L. Rickard and a fine of \$100 on Merrit M. McCarty. Five additional counts involving alleged false labeling of 1,453 bags of alfalfa seed as to origin were also filed against E. L. Rickard but were dismissed by the court.

Conspiracy charges filed against Raymond J. Higgin, Lawrence J. Kane, and Benjamin A. Medcalf in connection with these transactions resulted in a fine of \$100 each being imposed against Raymond J. Higgin and Lawrence J. Kane and a suspended sentence with 2 years' probation being imposed against Benjamin A. Medcalf.

378. False labeling of timothy seed. Excessive noxious-weed seeds. U. S. v. 12 bags, more or less, of timothy seed. (FS 735)

Wertheimer-McGuin Seed Company, Ligonier, Indiana, on April 22, 1952, transported in interstate commerce from Ligonier, Indiana, to Houlton, Maine, 175 bags of timothy seed.

A libel was filed in the District Court of the United States for the District of Maine requesting seizure of 12 bags, more or less, of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seeds, buckhorn and yellow rocket, each at the rate of 19 per ounce; whereas, a sample representing 12 bags of this seed was found to contain the noxious-weed seeds, buckhorn and yellow rocket, at the rate of 8 and 105 per ounce, respectively. Agricultural seed containing in excess of 500 noxious-weed seeds per pound, or approximately 31 per ounce, is prohibited from sale in the State of Maine and, therefore, is prohibited from shipment into that State under the Federal Seed Act. Sixteen bags of seed were seized by the United States marshal.

On July 12, 1954, no claimant having appeared, 16 bags of the seed were destroyed by burning in compliance with the court order.

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379. False and incomplete labeling of ryegrass and fescue seed. Excessive noxious-weed seeds. U. S. v. Buchanan-Cellers Grain Company, Inc., McMinnville, Oregon. (FS 741)

Buchanan-Cellers Grain Company, Inc., McMinnville, Oregon, on August 22, September 4, and September 18, 1951, delivered for transportation in interstate commerce from Orville and McMinnville, Oregon, to Atlanta, Georgia, and Fayette and Montgomery, Alabama, a total of 700 bags of ryegrass seed and 100 bags of fescue seed.

Information was filed in the District Court of the United States for the District of Oregon alleging that Buchanan-Cellers Grain Company, Inc., McMinnville, Oregon, did unlawfully deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act.

The violations were as follows:

Count I - Labels attached to at least 11 out of 600 bags of ryegrass seed shipped to Atlanta, Georgia, on August 22, 1951, failed to indicate the presence of the noxious-weed seed, sheep sorrel. Out of the 600 bags, 398 were shipped into Alabama where 11 bags were sampled. The seed was found to contain sheep sorrel seeds at the rate of 900 per pound.

Count II - Said 11 bags of ryegrass seed contained in excess of 500 noxious-weed seeds per pound. Agricultural seed containing in excess of 500 noxious-weed seeds per pound is prohibited from sale in the States of Georgia and Alabama and, therefore, is prohibited from shipment into those States under the Federal Seed Act.

Count III - Labels attached to at least 75 out of 100 bags of ryegrass seed shipped to Fayette, Alabama, on September 4, 1951, represented the seed to contain the noxious-weed seeds, dock and sheep sorrel, at the rate of 18 per pound; whereas, the seed was found to contain dock seeds and sheep sorrel seeds at the rate of 72 and 270 per pound, respectively.

Count IV - Labels attached to at least 4 out of 100 bags of fescue seed shipped to Montgomery, Alabama, on September 18, 1951, represented the seed to contain the noxious-weed seed, sheep sorrel, at the rate of 180 per pound; whereas, 2 bags of this seed contained sheep sorrel seeds at the rate of 719 per pound and 2 bags contained sheep sorrel seeds at the rate of 1,890 per pound.

Count V - Said 4 bags of fescue seed contained in excess of 500 noxious-weed seeds per pound. Agricultural seed containing in excess of 500 noxious-weed seeds per pound is prohibited from sale in the State of Alabama and, therefore, is prohibited from shipment into that State under the Federal Seed Act.

On July 15, 1954, Buchanan-Cellers Grain Company, Inc., McMinnville, Oregon, entered a plea of guilty on five counts and the Court imposed a fine of \$60 on each count, or a total of \$300.

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380. False labeling of cottonseed. U. S. v. Sinkers Corporation, Kennett, Missouri. (FS 745)

The Sinkers Corporation, Kennett, Missouri, on January 23 and February 19, 1952, delivered for transportation in interstate commerce from Kennett, Missouri, to Wagoner, Oklahoma, and Foley, Alabama, 5 bags and 10 bags, respectively, of cottonseed.

Information was filed in the District Court of the United States for the Eastern District of Missouri, alleging that the Sinkers Corporation, Kennett, Missouri, did unlawfully deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act.

Labels attached to the 5 bags of cottonseed shipped to Wagoner, Oklahoma, represented the seed to have a germination of 90 percent; whereas, the seed when tested in April 1952 was found to have a germination of 55 percent. Labels attached to the 10 bags of cottonseed shipped to Foley, Alabama, represented the seed to have a germination of 90 percent; whereas, the seed when tested in March 1952 was found to have a germination of 49 percent.

On October 6, 1954, the Sinkers Corporation, Kennett, Missouri, entered a plea of nolo contendere on two counts and the Court imposed a fine of \$50 on each count, or a total fine of \$100.

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381. False and incomplete labeling of timothy seed. Excessive noxious-weed seeds. U. S. v. Wertheimer-McGuin Seed Company, Ligonier, Indiana. (FS 750)

Wertheimer-McGuin Seed Company, Ligonier, Indiana, on April 12 and April 27, 1952, delivered for transportation in interstate commerce to Mars Hill, Maine, a total of 50 bags of timothy seed.

Information was filed in the District Court of the United States for the Northern District of Indiana alleging that Wertheimer-McGuin Seed Company, Ligonier, Indiana, did unlawfully deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act.

The violations were as follows:

Count I - Labels attached to 25 bags of timothy seed shipped to Mars Hill, Maine, on April 12, 1952, did not indicate the presence of the noxious-weed seed, buckhorn plantain; whereas, the seed was found to contain buckhorn plantain seeds at the rate of 18 per ounce.

Count II - Said 25 bags of timothy seed were labeled to indicate the noxious-weed seed, yellow rocket, to be present at the rate of 33 per ounce; whereas, the seed was found to contain yellow rocket seeds at the rate of 124 per ounce.

Count III - Said 25 bags of timothy seed contained in excess of 500 noxious-weed seeds per pound, or approximately 31 per ounce. Agricultural seed containing in excess of 500 noxious-weed seeds per pound is prohibited from sale in the State of Maine and, therefore, is prohibited from shipment into that State under the Federal Seed Act.

Count IV - Labels attached to 25 bags of timothy seed shipped to Mars Hill, Maine, on April 27, 1952, did not indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, yellow rocket and buckhorn plantain, at the rate of 6 and 5 per ounce, respectively.

On July 15, 1954, Wertheimer-McGuin Seed Company, Ligonier, Indiana, entered a plea of guilty to four counts and the Court Imposed a fine of \$100 on each count, or a total of \$400 and costs. Twelve additional counts alleging violations of the Federal Seed Act were dismissed by the Court.

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382. Incomplete labeling and failure to label bromegrass seed. Excessive noxious-wood seeds. U. S. v. Northern Field Seed Company, Winona, Minnesota (FS 752)

Northern Field Seed Company, Winona, Minnesota, on September 18, 27, and 29, 1952, transported in interstate commerce from Canistota, South Dakota, to Peoria, Illinois, 380 bags of bromegrass seed and on October 10, 1952, transported from Peoria, Illinois, to Cincinnati, Ohio, 180 bags of the same seed.

Information was filed in the District Court of the United States for the Southern District of Illinois, alleging the Northern Field Seed Company, Winona, Minnesota, did unlawfully transport in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act.

The 380 bag shipment to Peoria, Illinois, was not labeled to indicate the presence of noxious-wood seeds; whereas, the seed was found to contain the noxious-wood seed, curled dock, at the rate of 19 per ounce or at the rate of one curled dock seed to 442 bromegrass seeds. Seed containing in excess of one curled dock seed to 1,000 agricultural seeds is prohibited from sale in the State of Illinois and, therefore, is prohibited from shipment into that State under the Federal Seed Act.

The 180 bag shipment to Cincinnati, Ohio, did not bear labels as required under the Federal Seed Act. A letter accompanying and pertaining to this shipment represented the seed to contain no weed seeds considered noxious in the State of Ohio; whereas, the seed was found to contain the noxious-wood seed, curled dock, at the rate of 17 per ounce.

On April 14, 1955, Northern Field Seed Company, Winona, Minnesota, entered a plea of nolo contendere to four counts and the Court imposed a total fine of \$100 and costs.

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383. False labeling of ryegrass seed. Excessive noxious-wood seeds. U. S. v. E. F. Burlingham & Sons, Inc., Forest Grove, Oregon. (FS 754-771)

E. F. Burlingham & Sons, Inc., Forest Grove, Oregon, on August 26 and September 24, 1952 and August 25 and September 5, 1953, delivered for transportation in interstate commerce from Monroe, Forest Grove, and Cartney, Oregon, to Montgomery and Birmingham, Alabama, a total of 2,400 bags of ryegrass seed.

Information was filed in the District Court of the United States for the District of Oregon alleging that E. F. Burlingham & Sons, Inc., Forest Grove, Oregon, did unlawfully deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act.

The violations were as follows:

1. Labels attached to 600 bags of ryegrass seed shipped to Montgomery, Alabama, on August 26, 1952, represented the seed to contain no noxious-wood seeds; whereas, the seed in 102 bags was found to contain the noxious-wood seed, sheep sorrel, at the rate of 90 per pound.

2. Labels attached to 600 bags of ryegrass seed shipped to Montgomery, Alabama, on September 24, 1952, represented the seed to contain no noxious-weed seeds; whereas, the seed in 280 bags was found to contain the noxious-weed seeds, buckhorn plantain and sheep sorrel, at the rate of 45 and 27 per pound.
3. Labels attached to 600 bags of ryegrass seed shipped to Montgomery, Alabama, on August 25, 1953, represented the seed to contain the noxious-weed seed, sheep sorrel, at the rate of 108 per pound; whereas, the seed in 60 bags was found to contain the noxious-weed seeds, sheep sorrel and buckhorn plantain, at the rate of 441 and 45 per pound, respectively.
4. Labels attached to 600 bags of ryegrass seed shipped to Birmingham, Alabama, on September 5, 1953, represented the seed to contain the noxious-weed seed, sheep sorrel, at the rate of 27 per pound; whereas, the seed in 20 bags was found to contain the noxious-weed seed, sheep sorrel, at the rate of 2,169 per pound.

On June 1, 1955, E. F. Burlingham & Sons, Inc., Forest Grove, Oregon, entered a plea of guilty on four counts and the Court imposed a fine of \$50 on each count, or a total fine of \$200.

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384. Failure to make accessible a complete record. U. S. v. M. A. Casement, doing business as the Casement Grain & Seed Company, Sedan, Kansas. (FS 755)

M. A. Casement, doing business as the Casement Grain & Seed Company, Sedan, Kansas, on August 8, 1951, failed to make accessible for inspection by an authorized agent of the Secretary of Agriculture of the United States true and complete records of the disposition of three lots of alfalfa seed purchased from three firms in Arizona.

Information was filed in the District Court of the United States for the District of Kansas alleging that M. A. Casement, doing business as the Casement Grain & Seed Company, Sedan, Kansas, did violate the Federal Seed Act in not making accessible said records.

On September 13, 1954, M. A. Casement doing business as the Casement Grain & Seed Company, Sedan, Kansas, entered a plea of guilty on one count and the Court imposed a fine of \$10 and costs.

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385. Incomplete labeling of oat seed. Excessive noxious-weed seeds. U. S. v. Pascal Farley, Whitewright, Texas. (FS 756)

Pascal Farley, Whitewright, Texas, on January 28, 1953, delivered for transportation in interstate commerce from Whitewright, Texas, to Atoka, Oklahoma, 25 bags of oat seed.

Information was filed in the District Court of the United States for the Eastern District of Texas alleging that Pascal Farley, Whitewright, Texas, did unlawfully deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act.

The violations were as follows:

Count I - Labels attached to the seed shipped failed to show the percentage of pure seed, the percentage of weed seed, the percentage of other crop seed, the percentage of inert matter, and the kinds and rates of occurrence of noxious-weed seeds as required under the Federal Seed Act.

Count II - Said seed was found to contain the noxious-weed seeds, Johnson grass and cheat, at the rate of 838 and 540 per pound, respectively. Agricultural seed containing in excess of 500 cheat seeds or 100 Johnson grass seeds per pound is prohibited from sale in the State of Oklahoma and, therefore, is prohibited from shipment into that State under the Federal Seed Act.

On October 29, 1955, Pascal Farley, Whitewright, Texas, entered a plea of guilty on two counts and the Court imposed a fine of \$1 on each count, or a total fine of \$2.

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386. False labeling of sorghum seed, orchard grass seed, alfalfa seed, and ryegrass seed. Failure to keep and maintain a complete record of the sorghum seed. Excessive noxious-weed seeds. U. S. v. Rudy-Patrick Seed Company, Kansas City, Missouri, (FS 759)

Rudy-Patrick Seed Company, Inc., Kansas City, Missouri, on April 21, August 14, August 19, and August 21, 1952, delivered for transportation in interstate commerce to Hammond, Kansas; Muskogee, and Westville, Oklahoma; Winchester, Virginia; and Springdale, Arkansas, 1 bag, 6 bags, 12 bags, 50 bags, and 6 bags of sorghum seed, orchard grass seed, orchard grass seed, alfalfa seed, and ryegrass seed, respectively.

Information was filed in the District Court of the United States for the Western District of Missouri alleging that Rudy-Patrick Seed Company, Inc., Kansas City, Missouri, did unlawfully deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act and failed to keep and maintain a complete record of the sorghum seed as required by the act.

The violations were as follows:

Counts I and VIII - A label attached to 1 bag of sorghum seed shipped to Hammond, Kansas, on April 21, 1952, represented the seed to have a germination of 80 percent; whereas, the seed when tested in June 1952 was found to have a germination of 20 percent.

The Rudy-Patrick Seed Company failed to keep a complete record of the germination of this lot of seed for a period of 3 years and on August 22, 1952, failed to make accessible for inspection by a duly authorized representative of the Secretary of Agriculture a complete record of the germination of this lot of seed as required under the Federal Seed Act and the rules and regulations thereunder.

Counts II and III - Labels attached to 6 bags of orchard grass seed shipped to Muskogee, Oklahoma, on August 14, 1952, represented the seed to contain the noxious-weed seeds, wild onion and sorrel, at the rate of 27 and 32 per pound; whereas, the seed was found to contain the noxious-weed seeds, buckhorn plantain, sheep sorrel, and dock, at the rate of 1,494; 801; and 90 per pound, respectively.

Said 6 bags of orchard grass seed contained in excess of 500 noxious-weed seeds per pound. Seed of this quality is prohibited from sale in the State of Oklahoma and, therefore, is prohibited from shipment into that State under the Federal Seed Act.

Counts IV and V - Labels attached to 12 bags of orchard grass seed shipped to Westville, Oklahoma, on August 14, 1952, represented the seed to contain the noxious weed seeds, sorrel and dock, at the rate of 300 and 80 per pound, respectively; whereas, the seed was found to contain the noxious-weed seeds, sheep sorrel and dock, at the rate of 2,475 and 162 per pound, respectively.

Said 12 bags of orchard grass seed contained in excess of 500 noxious-weed seeds per pound. Seed of this quality is prohibited from sale in the State of Oklahoma and, therefore, is prohibited from shipment into that State under the Federal Seed Act.

Count VI - - Labels attached to 50 bags of alfalfa seed shipped to Winchester, Virginia, on August 19, 1952, represented the seed to have a germination of 75 percent and 15 percent hard seed or a total germination and hard seed percentage of 90; whereas, the seed when tested in September 1952 was found to have a germination of 45 percent with 29 percent hard seed remaining, or a total germination and hard seed percentage of 74.

Count VII - Labels attached to 6 bags of ryegrass seed shipped to Springdale, Arkansas, on August 21, 1952, represented the seed to have a germination of 90 percent; whereas, the seed when tested in September 1952 was found to have a germination of 54 percent.

On July 16, 1954, Rudy-Patrick Seed Company, Inc., Kansas City, Missouri, entered a plea of nolo contendere to eight counts and the Court imposed a fine of \$35 on each count, or a total fine of \$280.

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387. Failure to label timothy seed. U. S. v. United Seeds, Inc., Omaha, Nebraska; Arthur W. Berry, President; Deane Schneider, Vice President; Sam Davis, employee; and Kenneth Davis, Maysville, Missouri, and Dale Casper, Cameron, Missouri, truckers. (FS 761)

United Seeds, Inc., its officers, Arthur W. Berry and Deane Schneider; employee, Sam Davis; and truckers, Kenneth Davis and Dale Casper, shipped and transported on August 12, 13, and 18, 1952, from Omaha, Nebraska, to La Belle, Missouri, and Maysville, Missouri, a total of 264 bags (31,704 pounds) of timothy seed.

Information was filed in the District Court of the United States for the District of Nebraska alleging that United Seeds, Inc., Arthur W. Berry, Deane Schneider, Sam Davis, Kenneth Davis, and Dale Casper, did unlawfully transport and deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act.

No labels were attached to the bags showing the detailed information required under the Federal Seed Act. Failure to show this information concealed the quality of the seed, samples of which were found to have a germination of 1 percent. The seed was worthless for seeding purposes.

On June 30, 1955, United Seeds, Inc., Omaha, Nebraska, entered a plea of nolo contendere to three counts and the Court imposed a fine of \$50 on each count, or a total fine of \$150 and costs. Arthur W. Berry, Deane Schneider, and Sam Davis each entered a plea of nolo contendere on two counts, and Kenneth Davis and Dale Casper each entered a plea of nolo contendere on one count. The individual defendants were placed on probation for 1 year. Three additional counts filed against the corporation, Arthur W. Berry, and Deane Schneider, and one each against Sam Davis, Kenneth Davis, and Dale Casper, involving the delivery of an additional 89,477 pounds of timothy seed without labels attached to the bags, were dismissed by the Court.

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388. False labeling of soybean seed and failure to keep and make accessible a complete record. U. S. v. The Wax Company, Amory, Mississippi. (FS 762)

The Wax Company, Amory, Mississippi, on April 16, 1953, delivered for transportation in interstate commerce from Amory, Mississippi, to Russellville, Alabama, 20 bags of soybean seed.

Information was filed in the District Court of the United States for the Northern District of Mississippi alleging that The Wax Company, Amory, Mississippi, did unlawfully deliver for transportation in interstate commerce the above-identified shipment of seed in violation of the Federal Seed Act and failed to keep and make accessible a complete record as required by the act.

Labels attached to the bags represented the seed to have a germination of 80 percent; whereas, the seed when tested in May 1953 was found to have a germination of 51 percent. In addition, The Wax Company failed to keep for a period of 3 years a complete record of said lot of seed, failed to keep for a period of 1 year a file sample of said lot of seed, and on June 26, 1953, failed to make accessible for inspection by a duly authorized agent of the Secretary of Agriculture of the United States a complete record and a file sample of this lot of seed as required under the Federal Seed Act.

On April 5, 1955, The Wax Company, Amory, Mississippi, entered a plea of nolo contendere and the Court imposed a fine of \$25.

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389. False and incomplete labeling of ladino clover seed, lespedeza seed, sorghum seed, rye seed, and orchard grass seed. Excessive noxious-weed seeds. U. S. v. The Springfield Seed Company, Inc., Springfield, Missouri. (FS 763)

The Springfield Seed Company, Inc., Springfield, Missouri, on January 19 and 26, February 5, 11, and 21, and August 6, 17, and 27, 1953, delivered for transportation in interstate commerce from Springfield, Missouri, to Fayetteville and Mammoth Springs, Arkansas; Afton, Oklahoma; and to Rogers, Fayetteville, Harrison, Fayetteville, and Springdale, Arkansas, 4 bags of ladino clover seed, 48 bags of lespedeza seed, 8 bags of sorghum seed, 50 bags of lespedeza seed, 12 bags of lespedeza seed, 7 bags of rye seed, 3 bags of orchard grass seed, and 2 bags of rye seed, respectively.

Information was filed in the District Court of the United States for the Western District of Missouri alleging that the Springfield Seed Company, Inc., Springfield, Missouri, did unlawfully deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act.

The violations were as follows:

1. Labels attached to 4 bags of ladino clover seed shipped to Fayetteville, Arkansas, on January 19, 1953, represented the seed to contain the noxious-weed seed, dock, at the rate of 135 per pound; whereas, the seed was found to contain 360 dock seeds per pound.
2. The ladino clover seed was not completely labeled to indicate the presence of the noxious-weed seed, Bermuda grass; whereas, it was found to contain 1,287 Bermuda grass seeds per pound.

- . The ladino clover seed was prohibited from sale in the State of Arkansas because of the presence of more than 500 noxious-weed seeds per pound and, therefore, was prohibited from shipment into that State under the Federal Seed Act.
4. Labels attached to 48 bags of lespedeza seed shipped to Mammoth Springs, Arkansas, on January 26, 1953, represented the seed to consist, in part, of 98 percent pure seed and 1 percent weed seed; whereas, the seed was found to consist, in part, of 95.90 percent pure seed and 2.90 percent weed seed.
5. Labels attached to 8 bags of sorghum seed shipped to Afton, Oklahoma, on February 5, 1953, represented the seed to consist of 98.50 percent pure seed and 0.10 percent other crop seed and the invoice accompanying and pertaining to the seed represented it to be the Atlas variety of sorghum; whereas, the seed was found to consist of not more than 21.07 percent of the Atlas variety of sorghum.
6. Labels attached to 50 bags of lespedeza seed shipped to Rogers, Arkansas, on February 11, 1953, represented the seed to consist, in part, of 98 percent pure seed and 0.95 percent weed seed; whereas, the seed was found to consist, in part, of 91.70 percent pure seed and 7.20 percent weed seed.
7. Labels attached to 12 bags of lespedeza seed shipped to Fayetteville, Arkansas, on February 21, 1953, represented the seed to consist, in part, of 1.20 percent weed seed; whereas, the seed was found to consist, in part, of 3.27 percent weed seed.
8. Labels attached to 7 bags of rye seed shipped to Harrison, Arkansas, on August 6, 1953, represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 55 percent.
9. Labels attached to 3 bags of orchard grass seed shipped to Fayetteville, Arkansas, on August 17, 1953, represented the seed to contain the noxious-weed seeds, sorrel and dock, at the rate of 180 and 135 per pound, respectively; whereas, the seed was found to contain sorrel seeds and dock seeds at the rate of 864 and 171 per pound, respectively.
10. The orchard grass seed was prohibited from sale in the State of Arkansas because of the presence of more than 500 noxious-weed seeds per pound and, therefore, was prohibited from shipment into that State under the Federal Seed Act.
11. Labels attached to 2 bags of rye seed shipped to Springdale, Arkansas, on August 27, 1953, represented the seed to have a germination of 85 percent; whereas, the seed was found to have a germination of 47 percent in October 1953.

On February 13, 1955, the Springfield Seed Company, Inc., Springfield, Missouri, entered a plea of nolo contendere on 11 counts. The Court imposed a fine of \$100 on each of three counts and a fine of \$50 on each of eight counts, or a total fine of \$700.

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390. False labeling of lespedeza seed. Excessive noxious-weed seeds. U. S. v. Mitchell Sales Company, Inc., Cambria, Virginia. (FS 767)

Mitchell Sales Company, Inc., Cambria, Virginia, on February 10, 1953, delivered for transportation in interstate commerce from Cambria, Virginia, to Mt. Airy, North Carolina, 40 bags of lespedeza seed.

Information was filed in the District Court of the United States for the Western District of Virginia alleging that Mitchell Sales Company, Inc., Cambria, Virginia, did unlawfully deliver for transportation in interstate commerce the above-identified shipment of seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain the noxious-weed seed, dodder, at the rate of 80 per pound; whereas, the seed was found to contain dodder seeds at the rate of 1,215 per pound. Labels attached to the bags failed to indicate the presence of the noxious-weed seeds, bracted plantain, buckhorn, and horsenettle; whereas, the seed was found to contain these noxious-weed seeds at the rate of 153, 99, and 54 per pound, respectively. Agricultural seed containing in excess of 200 dodder seeds per pound, or in excess of 500 restricted noxious-weed seeds per pound of such weeds as dodder, bracted plantain, buckhorn, and horsenettle, is prohibited from sale in the State of North Carolina and, therefore, is prohibited from shipment into that State under the Federal Seed Act.

On May 18, 1955, Mitchell Sales Company, Inc., Cambria, Virginia was found guilty on three counts and the Court imposed a fine of \$200.

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391. False and incomplete labeling of birdsfoot trefoil seed and millet seed. U. S. v. The Stanford Seed Company, Buffalo, New York. (FS 768)

The Stanford Seed Company, Buffalo, New York, on March 28 and March 31, 1953, delivered for transportation in interstate commerce from Buffalo, New York, to Southbridge and Framingham, Massachusetts, one bag of birdsfoot trefoil seed and two bags of millet seed, respectively.

Information was filed in the District Court of the United States for the Western District of New York alleging that the Stanford Seed Company, Buffalo, New York, did unlawfully deliver for transportation in interstate commerce the above-identified shipments of seed in violation of the Federal Seed Act.

The violations were as follows:

1. A label attached to one bag of birdsfoot trefoil seed shipped to Southbridge, Massachusetts, on March 28, 1953, failed to indicate the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, buckhorn plantain, at the rate of 15 per ounce.
2. Labels attached to two bags of millet seed shipped to Framingham, Massachusetts, on March 31, 1953, represented the seed to have a germination of 85 percent; whereas, the seed when tested in May 1953 was found to have a germination of 60 percent.

On February 21, 1955, the Stanford Seed Company, Buffalo, New York, entered a plea of guilty to two counts. On March 14, 1955, the Court imposed a fine of \$250 on each of two counts and remitted the fine on one count, making a total fine of \$250. Four additional counts alleging violations of the Federal Seed Act were dismissed by the Court.

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392. False labeling of sorghum seed. U. S. v. 37 bags of sorghum seed.
(FS 773)

The Snelson Seed Company, Atlanta, Georgia, sold for interstate shipment and the Pennington Grain & Seed Company, Madison, Georgia, delivered for transportation in interstate commerce from Madison, Georgia, to Montgomery, Alabama, on March 6 and March 24, 1954, 37 bags of sorghum seed.

A libel was filed in the District Court of the United States for the Middle District of Alabama requesting seizure of said 37 bags of this seed and alleging same to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to be "Texas Seeded Ribbon" or "Seeded Ribbon Type" sorghum consisting of from 98 percent to 99.88 percent pure seed; whereas, samples representing various portions of these 37 bags consisting of eight different lots was found not to be from 99.88 percent "Seeded Ribbon Type" or "Texas Seeded Ribbon" sorghum. Samples were found to contain from 7 percent to 21 percent of sorghum seed identified by other variety names. Thirty-seven bags of this seed were seized by the United States marshal.

On March 29, 1955, the seed was turned over to a State institution to be used for animal feed only after rendering the seed unfit for seeding purposes, in compliance with the court order.

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393. False labeling of Kentucky bluegrass seed and failure to keep and make accessible a complete record. U. S. v. the Tobin Seed Company, Kansas City, Missouri. (FS 780)

The Tobin Seed Company, Kansas City, Missouri, on March 11, 1954, delivered for transportation in interstate commerce from Kansas City, Missouri, to Downey, California, 50 bags of Kentucky bluegrass seed.

Information was filed in the District Court of the United States for the Western District of Missouri alleging that the Tobin Seed Company, Kansas City, Missouri, did unlawfully deliver for transportation in interstate commerce the above-identified shipment of seed in violation of the Federal Seed Act and failed to keep and make accessible a complete record as required by the act.

Labels attached to the bags represented the seed to have a germination of 75 percent; whereas, the seed when tested in May 1954 was found to have a germination of 50 percent. In addition, the Tobin Seed Company failed to keep for a period of 3 years and on May 5, 1954, failed to make accessible for inspection a complete record of the germination of this lot of seed.

On June 24, 1955, the Tobin Seed Company, Kansas City, Missouri, entered a plea of guilty to two counts and the Court imposed a fine of \$50 on each count, or a total fine of \$100.

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| Wertheimer-McGuin Seed Company, Ligonier, Indiana Timothy | 378 |

*The listing of names and addresses of shippers of seed seized under section 405 of the Federal Seed Act is considered to be information pertinent to the issuance of the judgment by the court and does not mean that the shipper was found guilty of violating the Federal Seed Act. The action in seizure cases is against the seed.